

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOEL DOUGLAS, et al.,

Plaintiffs

v.

SCOTT LALUMIERE, et al.,

Defendants

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2:20-cv-00227-JDL

ORDER ON PLAINTIFFS' MOTION FOR LIMITED DISCOVERY

This matter is before the Court on Plaintiffs' motion for leave to conduct limited discovery regarding their claims against Defendant Russell Oakes. (Motion for Limited Discovery, ECF No. 228.) Plaintiffs filed their motion after Defendant Oakes moved to dismiss Plaintiffs' amended complaint. (Motion, ECF No. 223.) Citing *New England Data Services, Inc. v. Becher*, 829 F.2d 286, 290 (1st Cir. 1987), Plaintiffs seek leave to conduct discovery to the extent necessary to satisfy the requirements of Federal Rule of Civil Procedure 9(b) before the Court considers Defendant's motion to dismiss.

Plaintiffs previously filed motions to conduct limited discovery in response to motions to dismiss filed by other defendants in this matter. (Motions for Limited Discovery, ECF Nos. 46, 103, 107, 113, 129, 136, 143, 145, 165, 202 and 215.) The Court denied without prejudice Plaintiffs' prior motions, concluding that "Plaintiffs' requests to conduct discovery are more appropriately evaluated when the Court, as part of its assessment of Defendants' motions to dismiss, determines whether Rule 9(b) has been

satisfied and whether Plaintiffs have otherwise stated an actionable claim.” (Order at 3 ECF No. 156, Order at 2, ECF No. 213, Order at 2, ECF No. 220.)

Here, for the same reasons discussed in its orders of January 21, 2021, (ECF No. 156), April 6, 2021, (ECF No. 213), and May 20, 2021, (ECF No. 220), the Court denies Plaintiffs’ motion without prejudice. The Court will consider Plaintiffs’ request as part of the Court’s assessment of Defendant’s pending motion to dismiss.¹

NOTICE

Any objections to this Order shall be filed in accordance with Federal Rule of Civil Procedure 72.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 2nd day of August, 2021.

¹ Plaintiffs requested leave to conduct discovery in their response to the motion to dismiss. (Response at 16, ECF No. 227.)